IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 18657 of 2004

Between:

Yeelapu Satyanarayana, S/o.Appa Rao,
R/o.Bimudupakala Village, Addateegala Mandal, E.G.Dist.

..... PETITIONER

AND

1 The Addl. Agent to the Govt., Rampachodavaram, E.G.Dist.
2 The Special Deputy Collector, Tribal Welfare, Rampachodavaram, E.G.Dist.
3 The M.R.O., Addateegala (M), E.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in evicting me from the land to an extent of Ac.5.00 in sy.No.24/2 of Bhimudu Pakala (V), Addateegala (M), E.G.Dist. in pursuance of the order of the 2nd respondent in L.T.R.P. No. 170/2003, dt. 23-6-2004 as illegal, arbitrary and unjust and consequently direct the respondents not to evict the petitioner from the above land pending disposal of the statutory appeal preferred before the 1st respondent.

Counsel for the Petitioner:MR.K.VENKATESH

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

Petitioner claims that his grand mother, late Veeramma, was granted 'D' form patta in respect of Ac.5.00 of land situated in survey No.24/2 of Bhimudu Pakala village, Addateegala mandal, East Godavari District and after her death, he has been in possession and enjoyment of the same. The Revenue authorities neither suspended nor cancelled the 'D' form patta issued in the name of his grant mother. While so, some third parties initiated proceedings against the petitioner and his grand mother, under Section 3(1) of A.P. Scheduled Areas Land Transfer Regulations 1/59 as amended by 1/70, before the second respondent for restoration of the land. The said proceedings were numbered as L.T.R.P.No.170 of 2003 and the same were contested by the petitioner. The second respondent, without considering the submissions made by the petitioner, passed an order dated 23.06.2004 directing their eviction from the above said land. Aggrieved by the same, the petitioner preferred a statutory appeal along with stay application before the first respondent. Petitioner submits that though the appeal is pending, the third respondent is taking steps to evict him from the land in question, in pursuance of the orders passed by the second respondent. Hence, this writ petition.

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

Having regard to the fact that the eviction orders were passed in the proceedings filed by the third parties, without considering the submissions of the petitioner, who is in possession of the land in question subsequent to the death of her grand mother, I deem it appropriate to dispose of this writ petition directing the first respondent to dispose of the appeal filed by the petitioner within a period of three months from the date of receipt of a copy of this order. Pending appeal before the first respondent, the order of the second respondent evicting the petitioner from the land in question is stayed.

12.10.2004

ksld

To

1 The Addl. Agent to the Govt., Rampachodavaram, E.G.Dist.
2 The Special Deputy Collector, Tribal Welfare,

Rampachodavaram, E.G.Dist.
3 The M.R.O., Addateegala (M), E.G.Dist.

4 Two CCs to the Govt. Pleader for Revenue, High Court of Andhra

Pradesh, Hyderabad (OUT).

5 Two CD copies.